

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JENNIFER A. MOORE
a.k.a. JENNIFER JEAN AGNITE MOORE
a.k.a. JENNIFER JEAN MOORE
a.k.a. JENNIFER J.A. MOORE
47112 Warm Springs Blvd, #126
Fremont, CA 94539

Registered Nurse License No. 642908
Public Health Nurse Certificate No. 68097

Respondent

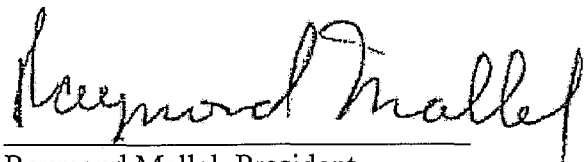
Case No. 2012-737

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **March 4, 2013.**

IT IS SO ORDERED **February 2, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
2 Attorney General of California
3 FRANK H. PACOE
4 Supervising Deputy Attorney General
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12 *Attorneys for Complainant*

13 LYDIA ZANE, Senior Legal Analyst
14 Telephone: (415) 703-5548
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16 **BEFORE THE**
17 **BOARD OF REGISTERED NURSING**
18 **DEPARTMENT OF CONSUMER AFFAIRS**
19 **STATE OF CALIFORNIA**

20 In the Matter of the Accusation Against:

Case No. 2012-737

21 **JENNIFER A. MOORE**
22 **aka JENNIFER JEAN AGNITE MOORE;**
23 **aka JENNIFER JEAN MOORE;**
24 **aka JENNIFER J.A. MOORE**
25 **47112 Warm Springs Blvd., # 126**
26 **Fremont, CA 94539**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

27 **Registered Nurse License No. 642908**
28 **Public Health Nurse Certificate No. 68097**

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Louise R. Bailey, M.Ed., RN (Complainant), is the Executive Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs. She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Leslie E. Brast, Deputy Attorney General.

2. Respondent Jennifer A. Moore, aka Jennifer Jean Agnite Moore; aka Jennifer Jean Moore; aka Jennifer J.A. Moore, (Respondent) is represented in this proceeding by Attorney

1 David Bonilla whose address is: 901 H Street, Suite 100, Sacramento, California 95814.

2 3. On or about August 13, 2004, the Board issued Registered Nurse License No. 642908
3 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to
4 the charges brought in Accusation No. 2012-737 and will expire on January 31, 2014, unless
5 renewed.

6 4. On or about September 8, 2004, the Board issued Public Health Nurse Certificate No.
7 68097 to Respondent. The Public Health Nurse Certificate was in full force and effect at all
8 times relevant to the charges brought in Accusation No. 2012-737 and will expire on January 31,
9 2014, unless renewed.

10 JURISDICTION

11 5. Accusation No. 2012-737 was filed before the Board and is currently pending against
12 Respondent. The Accusation and all other statutorily required documents were properly served
13 on Respondent on June 11, 2012. Respondent timely filed her Notice of Defense contesting the
14 Accusation.

15 6. A copy of Accusation No. 2012-737 is attached as Exhibit A and incorporated herein
16 by reference.

17 ADVISEMENT AND WAIVERS

18 7. Respondent has carefully read, fully discussed with counsel, and understands the
19 charges and allegations in Accusation No. 2012-737. Respondent has also carefully read, fully
20 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
21 Order.

22 8. Respondent is fully aware of her legal rights in this matter, including the right to a
23 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
24 her own expense; the right to confront and cross-examine the witnesses against her; the right to
25 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
26 compel the attendance of witnesses and the production of documents; the right to reconsideration
27 and court review of an adverse decision; and all other rights accorded by the California
28 Administrative Procedure Act and other applicable laws.

9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

10. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-737.

11. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CIRCUMSTANCES IN MITIGATION

12. Respondent Jennifer A. Moore, aka Jennifer Jean Agnate Moore; aka Jennifer Jean Moore; aka Jennifer J.A. Moore, has never been the subject of any disciplinary action. She is admitting responsibility at an early stage in the proceedings.

CONTINGENCY

13. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and Board staff may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
2 writing executed by an authorized representative of each of the parties.

3 16. In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Board may, without further notice or formal proceeding, issue and enter the following
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Registered Nurse License No. 642908 and Public Health
8 Nurse Certificate No. 68097 issued to Respondent Jennifer A. Moore, aka Jennifer Jean Agnita
9 Moore; aka Jennifer Jean Moore; aka Jennifer J.A. Moore, (Respondent) are revoked. However,
10 the revocations are stayed and Respondent is placed on probation for three (3) years on the
11 following terms and conditions.

12 **Severability Clause.** Each condition of probation contained herein is a separate and
13 distinct condition. If any condition of this Order, or any application thereof, is declared
14 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
15 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
16 and enforceable to the fullest extent permitted by law.

17 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and
18 detailed account of any and all violations of law shall be reported by Respondent to the Board in
19 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
20 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within
21 45 days of the effective date of the decision, unless previously submitted as part of the licensure
22 application process.

23 **Criminal Court Orders:** If Respondent is under criminal court orders, including
24 probation or parole, and the order is violated, this shall be deemed a violation of these probation
25 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

26 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with
27 the conditions of the Probation Program established by the Board and cooperate with
28 representatives of the Board in its monitoring and investigation of the Respondent's compliance

1 with the Board's Probation Program. Respondent shall inform the Board in writing within no
2 more than 15 days of any address change and shall at all times maintain an active, current license
3 status with the Board, including during any period of suspension.

4 Upon successful completion of probation, Respondent's license shall be fully restored.

5 3. **Report in Person.** Respondent, during the period of probation, shall appear in
6 person at interviews/meetings as directed by the Board or its designated representatives.

7 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
8 practice as a registered nurse outside of California shall not apply toward a reduction of this
9 probation time period. Respondent's probation is tolled, if and when she resides outside of
10 California. Respondent must provide written notice to the Board within 15 days of any change of
11 residency or practice outside the state, and within 30 days prior to re-establishing residency or
12 returning to practice in this state.

13 Respondent shall provide a list of all states and territories where she has ever been licensed
14 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
15 information regarding the status of each license and any changes in such license status during the
16 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
17 license during the term of probation.

18 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit
19 or cause to be submitted such written reports/declarations and verification of actions under
20 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
21 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
22 Respondent shall immediately execute all release of information forms as may be required by the
23 Board or its representatives.

24 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
25 state and territory in which she has a registered nurse license.

26 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
27 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
28 6 consecutive months or as determined by the Board.

1 For purposes of compliance with the section, "engage in the practice of registered nursing"
2 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
3 non-direct patient care position that requires licensure as a registered nurse.

4 The Board may require that advanced practice nurses engage in advanced practice nursing
5 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

6 If Respondent has not complied with this condition during the probationary term, and
7 Respondent has presented sufficient documentation of her good faith efforts to comply with this
8 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
9 extension of Respondent's probation period up to one year without further hearing in order to
10 comply with this condition. During the one year extension, all original conditions of probation
11 shall apply.

12 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
13 prior approval from the Board before commencing or continuing any employment, paid or
14 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
15 performance evaluations and other employment related reports as a registered nurse upon request
16 of the Board.

17 Respondent shall provide a copy of this Decision to her employer and immediate
18 supervisors prior to commencement of any nursing or other health care related employment.

19 In addition to the above, Respondent shall notify the Board in writing within seventy-two
20 (72) hours after she obtains any nursing or other health care related employment. Respondent
21 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
22 separated, regardless of cause, from any nursing, or other health care related employment with a
23 full explanation of the circumstances surrounding the termination or separation.

24 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
25 Respondent's level of supervision and/or collaboration before commencing or continuing any
26 employment as a registered nurse, or education and training that includes patient care.

27 Respondent shall practice only under the direct supervision of a registered nurse in good
28 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods

1 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
2 approved.

3 Respondent's level of supervision and/or collaboration may include, but is not limited to the
4 following:

5 (a) Maximum - The individual providing supervision and/or collaboration is present in
6 the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
8 care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
10 person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health care
12 setting, the individual providing supervision and/or collaboration shall have person-to-person
13 communication with Respondent as required by the Board each work day. Respondent shall
14 maintain telephone or other telecommunication contact with the individual providing supervision
15 and/or collaboration as required by the Board during each work day. The individual providing
16 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
17 patients' homes visited by Respondent with or without Respondent present.

18 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
19 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
20 or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
22 registered nursing supervision and other protections for home visits have been approved by the
23 Board. Respondent shall not work in any other registered nursing occupation where home visits
24 are required.

25 Respondent shall not work in any health care setting as a supervisor of registered nurses.
26 The Board may additionally restrict Respondent from supervising licensed vocational nurses
27 and/or unlicensed assistive personnel on a case-by-case basis.

28 Respondent shall not work as a faculty member in an approved school of nursing or as an

1 instructor in a Board approved continuing education program.

2 Respondent shall work only on a regularly assigned, identified and predetermined
3 worksite(s) and shall not work in a float capacity.

4 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
5 request documentation to determine whether there should be restrictions on the hours of work.

6 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and
7 successfully complete a course(s) relevant to the practice of registered nursing no later than six
8 months prior to the end of her probationary term.

9 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
10 Respondent shall submit to the Board the original transcripts or certificates of completion for the
11 above required course(s). The Board shall return the original documents to Respondent after
12 photocopying them for its records.

13 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its
14 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
15 amount of \$4,900.00. Respondent shall be permitted to pay these costs in a payment plan
16 approved by the Board, with payments to be completed no later than three months prior to the end
17 of the probation term.

18 If Respondent has not complied with this condition during the probationary term, and
19 Respondent has presented sufficient documentation of her good faith efforts to comply with this
20 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
21 extension of Respondent's probation period up to one year without further hearing in order to
22 comply with this condition. During the one year extension, all original conditions of probation
23 will apply.

24 12. **Violation of Probation.** If Respondent violates the conditions of her probation, the
25 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
26 and impose the stayed discipline (revocation/suspension) of Respondent's license.

27 If during the period of probation, an accusation or petition to revoke probation has been
28 filed against Respondent's license or the Attorney General's Office has been requested to prepare

1 an accusation or petition to revoke probation against Respondent's license, the probationary
2 period shall automatically be extended and shall not expire until the accusation or petition has
3 been acted upon by the Board.

4 13. **License Surrender.** During Respondent's term of probation, if she ceases practicing
5 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
6 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
7 Respondent's request and to exercise its discretion whether to grant the request, or to take any
8 other action deemed appropriate and reasonable under the circumstances, without further hearing.
9 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
10 subject to the conditions of probation.

11 Surrender of Respondent's license shall be considered a disciplinary action and shall
12 become a part of Respondent's license history with the Board. A registered nurse whose license
13 has been surrendered may petition the Board for reinstatement no sooner than the following
14 minimum periods from the effective date of the disciplinary decision:

15 (1) Two years for reinstatement of a license that was surrendered for any reason other
16 than a mental or physical illness; or

17 (2) One year for a license surrendered for a mental or physical illness.

18 14. **Physical Examination.** Within 45 days of the effective date of this Decision,
19 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
20 assistant, who is approved by the Board before the assessment is performed, submit an
21 assessment of the Respondent's physical condition and capability to perform the duties of a
22 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
23 medically determined, a recommended treatment program will be instituted and followed by the
24 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
25 to the Board on forms provided by the Board.

26 If Respondent is determined to be unable to practice safely as a registered nurse, the
27 licensed physician, nurse practitioner, or physician assistant making this determination shall
28 immediately notify the Board and Respondent by telephone, and the Board shall request that the

1 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
2 immediately cease practice and shall not resume practice until notified by the Board. During this
3 period of suspension, Respondent shall not engage in any practice for which a license issued by
4 the Board is required until the Board has notified Respondent that a medical determination
5 permits Respondent to resume practice. This period of suspension will not apply to the reduction
6 of this probationary time period.

7 If Respondent fails to have the above assessment submitted to the Board within the 45-day
8 requirement, Respondent shall immediately cease practice and shall not resume practice until
9 notified by the Board. This period of suspension will not apply to the reduction of this
10 probationary time period. The Board may waive or postpone this suspension only if significant,
11 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
12 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
13 Only one such waiver or extension may be permitted.

14 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

15 Respondent, at her expense, shall successfully complete during the probationary period or shall
16 have successfully completed prior to commencement of probation a Board-approved
17 treatment/rehabilitation program of at least six months duration. As required, reports shall be
18 submitted by the program on forms provided by the Board. If Respondent has not completed a
19 Board-approved treatment/rehabilitation program prior to commencement of probation,
20 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.
21 If a program is not successfully completed within the first nine months of probation, the Board
22 shall consider Respondent in violation of probation.

23 Based on Board recommendation, each week Respondent shall be required to attend at least
24 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
25 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.
26 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
27 added. Respondent shall submit dated and signed documentation confirming such attendance to
28 the Board during the entire period of probation. Respondent shall continue with the recovery plan

1 recommended by the treatment/rehabilitation program or a licensed mental health examiner
2 and/or other ongoing recovery groups.

3 16. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
4 completely abstain from the possession, injection or consumption by any route of all controlled
5 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
6 are ordered by a health care professional legally authorized to do so as part of documented
7 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
8 days, by the prescribing health professional, a report identifying the medication, dosage, the date
9 the medication was prescribed, the Respondent's prognosis, the date the medication will no
10 longer be required, and the effect on the recovery plan, if appropriate.

11 Respondent shall identify for the Board a single physician, nurse practitioner or physician
12 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
13 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
14 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
15 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
16 considered addictive have been prescribed, the report shall identify a program for the time limited
17 use of any such substances.

18 The Board may require the single coordinating physician, nurse practitioner, or physician
19 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
20 medicine.

21 17. **Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
22 random, biological fluid testing or a drug screening program which the Board approves. The
23 length of time and frequency will be subject to approval by the Board. Respondent is responsible
24 for keeping the Board informed of Respondent's current telephone number at all times.
25 Respondent shall also ensure that messages may be left at the telephone number when she is not
26 available and ensure that reports are submitted directly by the testing agency to the Board, as
27 directed. Any confirmed positive finding shall be reported immediately to the Board by the
28 program and Respondent shall be considered in violation of probation.

1 In addition, Respondent, at any time during the period of probation, shall fully cooperate
2 with the Board or any of its representatives, and shall, when requested, submit to such tests and
3 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
4 hypnotics, dangerous drugs, or other controlled substances.

5 If Respondent has a positive drug screen for any substance not legally authorized and not
6 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
7 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
8 practice pending the final decision on the petition to revoke probation or the accusation. This
9 period of suspension will not apply to the reduction of this probationary time period.

10 If Respondent fails to participate in a random, biological fluid testing or drug screening
11 program within the specified time frame, Respondent shall immediately cease practice and shall
12 not resume practice until notified by the Board. After taking into account documented evidence
13 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
14 suspend Respondent from practice pending the final decision on the petition to revoke probation
15 or the accusation. This period of suspension will not apply to the reduction of this probationary
16 time period.

17 18. **Mental Health Examination.** Respondent shall, within 45 days of the effective date
18 of this Decision, have a mental health examination including psychological testing as appropriate
19 to determine her capability to perform the duties of a registered nurse. The examination will be
20 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by
21 the Board. The examining mental health practitioner will submit a written report of that
22 assessment and recommendations to the Board. All costs are the responsibility of Respondent.
23 Recommendations for treatment, therapy or counseling made as a result of the mental health
24 examination will be instituted and followed by Respondent.

25 If Respondent is determined to be unable to practice safely as a registered nurse, the
26 licensed mental health care practitioner making this determination shall immediately notify the
27 Board and Respondent by telephone, and the Board shall request that the Attorney General's
28 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease

1 practice and may not resume practice until notified by the Board. During this period of
2 suspension, Respondent shall not engage in any practice for which a license issued by the Board
3 is required, until the Board has notified Respondent that a mental health determination permits
4 Respondent to resume practice. This period of suspension will not apply to the reduction of this
5 probationary time period.

6 If Respondent fails to have the above assessment submitted to the Board within the 45-day
7 requirement, Respondent shall immediately cease practice and shall not resume practice until
8 notified by the Board. This period of suspension will not apply to the reduction of this
9 probationary time period. The Board may waive or postpone this suspension only if significant,
10 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
11 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
12 Only one such waiver or extension may be permitted.

13 19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in
14 an on-going counseling program until such time as the Board releases her from this requirement
15 and only upon the recommendation of the counselor. Written progress reports from the counselor
16 will be required at various intervals.

17 ACCEPTANCE

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, David Bonilla. I understand the stipulation and the effect it will
20 have on my Registered Nurse License and Public Health Nurse Certificate. I enter into this
21 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
22 to be bound by the Decision and Order of the Board of Registered Nursing.

23
24 DATED: 11/5/2012

25 JENNIFER A. MOORE
Respondent


26 ///

27 ///

28

1 I have read and fully discussed with my client, Respondent Jennifer A. Moore, aka Jennifer
2 Jean Agnite Moore; aka Jennifer Jean Moore; aka Jennifer J.A. Moore, the terms and conditions
3 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
4 its form and content.

5 DATED: 11/5/2012

6 
7 DAVID BONILLA
8 Attorney for Respondent

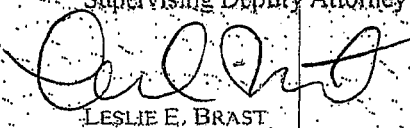
9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
11 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
12 Affairs.

13 Dated: 11/6/12

14 Respectfully submitted,

15 KAMALA D. HARRIS
16 Attorney General of California
17 FRANK H. PACOE
18 Supervising Deputy Attorney General

19 
20 LESLIE E. BRAST
21 Deputy Attorney General
22 Attorneys for Complainant

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27
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Exhibit A

Accusation No. 2012-737

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
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10 **BEFORE THE**
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11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. **2012-737**

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16 **aka JENNIFER J.A. MOORE**
47112 Warm Springs Blvd., # 126
Fremont, California 94539

A C C U S A T I O N

17 **Registered Nurse License No. 642908**
18 **Public Health Nurse Certificate No. 68097**

19 Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her
23 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
24 of Consumer Affairs.

25 2. On or about August 13, 2004, the Board of Registered Nursing issued Registered
26 Nurse License Number 642908 to Jennifer A. Moore; aka Jennifer Jean Agnite Moore; aka
27 Jennifer Jean Moore; aka Jennifer J.A. Moore (Respondent). The Registered Nurse License was
28 in full force and effect at all times relevant to the charges brought herein and will expire on

1 January 31, 2014, unless renewed.

2 3. On or about September 8, 2004, the Board of Registered Nursing issued Public
3 Health Nurse Certificate Number 68097 to Respondent. The Public Health Nurse Certificate was
4 in full force and effect at all times relevant to the charges brought herein and will expire on
5 January 31, 2014, unless renewed.

6 JURISDICTION

7 4. This Accusation is brought before the Board of Registered Nursing (Board),
8 Department of Consumer Affairs, under the authority of the following laws. All section
9 references are to the Business and Professions Code unless otherwise indicated.

10 5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
11 that the Board may discipline any licensee, including a licensee holding a temporary or an
12 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
13 Nursing Practice Act.

14 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
15 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
16 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
17 Code, the Board may renew an expired license at any time within eight years after the expiration.

18 STATUTORY PROVISIONS

19 7. Section 2761, subdivision (f), of the Code states in relevant part that the Board may
20 take disciplinary action against a certified or licensed nurse for "[c]onviction of a felony or of any
21 offense substantially related to the qualifications, functions, and duties of a registered nurse, in
22 which event the record of the conviction shall be conclusive evidence thereof."

23 8. Section 2762 of the Code states in relevant part that in addition to other acts
24 constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act],
25 it is unprofessional conduct for a person licensed under this chapter to do any of the following:

26 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
27 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
28 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to

1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 (c) Be convicted of a criminal offense involving the prescription, consumption, or
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
5 or the possession of, or falsification of a record pertaining to, the substances described in
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
7 thereof."

8 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
9 revoke a license on the ground that the licensee has been convicted of a crime substantially
10 related to the qualifications, functions, or duties of the business or profession for which the
11 license was issued.

12 10. Section 492 of the Code provides in pertinent part, that, notwithstanding any other
13 provision of law, successful completion of any diversion program under the Penal Code, or
14 successful completion of an alcohol and drug problem assessment program under Article 5
15 (commencing with Section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not
16 prohibit any agency established under Division 2 (commencing with Section 500) of this code, or
17 any initiative act referred to in that division, from taking disciplinary action against a licensee or
18 from denying a license for professional misconduct, notwithstanding that evidence of that
19 misconduct may be recorded in a record pertaining to an arrest.

20 11. Section 493 of the Code provides in pertinent part, that, notwithstanding any other
21 provision of law, in a proceeding conducted by a board within the department pursuant to law to
22 deny an application for a license or to suspend or revoke a license or otherwise take disciplinary
23 action against a person who holds a license, upon the ground that the applicant or the licensee has
24 been convicted of a crime substantially related to the qualifications, functions, and duties of the
25 license in question, the record of conviction of the crime shall be conclusive evidence of the fact
26 that the conviction occurred, but only of that fact, and the board may inquire into the
27 circumstances surrounding the commission of the crime in order to fix the degree of discipline or
28 to determine if the conviction is substantially related to the qualifications, functions, and duties of

1 the licensee in question.

2 REGULATORY PROVISIONS

3 12. California Code of Regulations, title 16, section 1444, states in pertinent part that a
4 conviction or act shall be considered to be substantially related to the qualifications, functions or
5 duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness
6 of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

7 COST RECOVERY

8 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licentiate found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 CAUSE FOR DISCIPLINE

13 (Substantially Related Crime)

14 14. Respondent is subject to disciplinary action under Code sections 490, 2761(f), and
15 2762, subdivisions (b) and (c), for conviction of one or more substantially related crime(s), as
16 follows:

17 a. On or about May 6, 2008, in Santa Clara County Superior Court, Case No.
18 CC897892, Respondent was convicted of having violated Vehicle Code section 23152(b) (driving
19 with a blood alcohol level of 0.08% or higher). Respondent's conviction arose from her February
20 6, 2008, arrest in Santa Clara County following a traffic stop for driving with an expired vehicle
21 registration sticker. Imposition of sentence was suspended and Respondent was granted 3 years
22 formal probation, ordered to enroll in a First Offender's Program, and assessed fines and court
23 fees.

24 b. On or about April 28, 2011, in Alameda County Superior Court, Case No. 240705-0,
25 Respondent was convicted of having violated Vehicle Code section 23152(b) (driving with a
26 blood alcohol level of 0.08% or higher). Respondent's conviction arose from her February 3,
27 2011, arrest after having been observed accellerating rapidly, immediately slowing, and swerving
28 from one side of the roadway to the other near the intersection of Blacow Road and Fremont

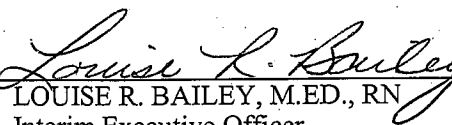
1 Boulevard in Fremont, California. Respondent provided two breath samples both measuring 0.14
2 % blood alcohol. Imposition of sentence was suspended and Respondent was placed on
3 conditional, revocable release subject to a 3-year term of probation on conditions including: 2
4 days in county jail with one day credit for time served; payment of fines and fees assessed by the
5 Court; submit to alcohol detection tests as directed by any peace officer; report to Court when
6 ordered to do so; attend and complete a Drinking Driver Program; do not operate a motor vehicle
7 unless properly licensed and adequately insured; do not drive any vehicle with any measurable
8 amount of alcohol in blood; submit to chemical test of blood and breath if arrested for driving
9 while under the influence of alcohol and/or drugs.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number 642908, issued to
14 Jennifer A. Moore, aka Jennifer Jean Agnite Moore; aka Jennifer Jean Moore; aka Jennifer J.A.
15 Moore;
- 16 2. Revoking or suspending Public Health Nurse Certificate Number 68097, issued to
17 Jennifer A. Moore, aka Jennifer Jean Agnite Moore; aka Jennifer Jean Moore; aka Jennifer J.A.
18 Moore;
- 19 3. Ordering Jennifer A. Moore, aka Jennifer Jean Agnite Moore; aka Jennifer Jean
20 Moore; aka Jennifer J.A. Moore, to pay the Board of Registered Nursing the reasonable costs of
21 the investigation and enforcement of this case, pursuant to Business and Professions Code section
22 125.3;
- 23 4. Taking such other and further action as deemed necessary and proper.

24 DATED: June 11, 2012


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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